

# EXHIBIT 32

Page 1

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

In Re:  
Bair Hugger Forced Air Warming  
Products Liability Litigation

This Document Relates To:  
All Actions MDL No. 15-2666 (JNE/FLM)

DEPOSITION OF TROY W. BERGSTROM  
VOLUME I, PAGES 1 - 259  
NOVEMBER 18, 2016

(The following is the deposition of TROY W. BERGSTROM, taken pursuant to Notice of Taking Deposition, via videotape, at the offices of Ciresi Conlin L.L.P., 225 South 6th Street, Suite 4600, Minneapolis, Minnesota, commencing at approximately 9:04 o'clock a.m., November 18, 2016.)

Page 3

INDEX

EXHIBITS DESCRIPTION PAGE MARKED

Ex 79 Forced-Air Warming Does Not Worsen Air Quality in Laminar-Flow Operating Rooms, by Olmstead, et al, 3MBH00050586-610 24

80 E-mail chain, 3M00575233-6 26

81 E-mail chain, 3MBH01224622 29

82 E-mail chain, 3MBH00130429-32 31

83 Routing & Approval Form 36

84 E-mail chain, 3M00574121-3 38

85 E-mail chain, 3MBH00083780 43

86 E-mail chain, 3MBH01211442 45

87 E-mail chain, 3MBH00549464-8 47

88 E-mail chain with attached Parvisi article, no Bates numbers 50

89 E-mail chain, 3MBH01223897 59

90 E-mail chain, 3MBH00024733-4 62

91 Forced-air warming: a source of airborne contamination in the operating room, by Albrecht, et al 66

92 Forced-air warming blowers: An evaluation of filtration adequacy and airborne contamination

Page 2

APPEARANCES:

On Behalf of the Plaintiffs:

Mark D. Bankston  
KASTER, LYNCH, FARRAR & BALL LLP  
1010 Lamar, Suite 1600  
Houston, Texas 77002

Gabriel Assaad  
KENNEDY HODGES  
4409 Montrose Boulevard, Suite 200  
Houston, Texas 77006  
Noah Lauricella  
GOLDENBERG LAW  
800 LaSalle Avenue, Suite 2150  
Minneapolis, Minnesota 55402

On Behalf of Defendants:

Mary S. Young  
BLACKWELL BURKE  
431 South Seventh Street, Suite 2500  
Minneapolis, Minnesota 55415  
Bridget M. Ahmann  
FAEGRE BAKER DANIELS  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, Minnesota 55402-3901

ALSO APPEARING:

Ronald M. Huber, Videographer

Page 4

emissions in the operating room, by Albrecht, et al 68

93 Forced-air warming and ultra-clean ventilation do not mix, by McGovern, et al 68

94 Do forced air patient-warming devices disrupt unidirectional downward airflow, by Legg, et al 69

95 Effect of forced-air warming on the performance of operating theatre laminar flow ventilation, by Dasari, et al 70

96 Forced-air patient warming blankets disrupt unidirectional airflow, by Legg, et al 70

97 Patient Warming Excess Heat: The Effects on Orthopedic Operating Room Ventilation Performance, by Belani, et al 71

98 Forced-air Warming Design: Evaluation of Intake Filtration, Internal Microbial Buildup, and Airborne-Contamination Emissions, by Reed, et al 71

99 Infection control hazards

Page 5		Page 7	
1	associated with the use of forced-	1	125 E-mail chain, 3MBH00051009-10 214
2	air warming in operating	2	126 E-mail, 3MBH01253823 217
3	theatres, by Wood, et al 72	3	127 E-mail, 3MBH00051040 220
4	100 Persistent Acinetobacter	4	128 E-mail chain, 3M00577468-70 224
5	baumannii? Look Inside Your	5	129 CRM Weekly Report for Sunday,
6	Medical Equipment, by Bernards,	6	January 02, 2011, 3MBH00052987 229
7	et al 73	7	130 E-mail chain, 3MBH00544754-5 233
8	101 E-mail chain, 3MBH00002412-4 74	8	131 E-mail chain, 3MBH01285217 236
9	102 Brainerd Ventilation Assessment,	9	132 E-mail chain, 3MBH00042660-1 237
10	3MBH00054326-31 76	10	133 E-mail chain, 3MBH00134035-9 243
11	103 Valued Customers letter dated	11	134 E-mail chain, 3MBH01330587-92 244
12	November 1, 2006, 3MBH00008941 78	12	
13	104 E-mail chain, 3MBH00038981-2 80	13	
14	105 BAIR Argument Brainstorm -	14	
15	August 5, 2008, 3MBH00038989 83	15	
16	106 Talking Points, Kimberger et	16	
17	al, 2008, 3MBH00002455-7 93	17	
18	107 Arizant forced-air warming and	18	
19	SSI prevention: Talking points	19	
20	for sales, 3MBH00005575-6 100	20	
21	108 E-mail chain, 3M00555835-9 110	21	
22	109 Side-by-side comparison of two	22	
23	recent studies examining the	23	
24	impact of forced-air warming	24	
25	in laminar flow ORs,	25	
Page 6		Page 8	
1	3M00555646-9 117	1	PROCEEDINGS
2	110 Draft response document,	2	(Witness sworn.)
3	3M00555635 124	3	TROY W. BERGSTROM
4	111 Infection Control Today	4	called as a witness, being first duly sworn,
5	Responses 1.14.13, 3M00555406 129	5	was examined and testified as follows:
6	112 Request for Research dated	6	ADVERSE EXAMINATION
7	April 29, 2010, 3MBH00024193-6 132	7	BY MR. BANKSTON:
8	113 Talking points: New HotDog	8	Q. Good morning, Mr. Bergstrom.
9	study in the Journal of Bone	9	A. Good morning.
10	& Joint Surgery, 3M00556378-9 136	10	Q. I think we mentioned when we came in the
11	114 E-mail, 3MBH01191980 142	11	room this is our third time together; correct?
12	115 E-mail, 3M00580524-7 148	12	A. Yes, correct.
13	116 FAQs, 3MBH01192634-5 153	13	Q. Okay. Just to kind of give you a reminder,
14	117 Proceedings of the International	14	the first time we met I was representing a gentleman
15	Consensus Meeting on	15	from Texas named Mr. Walton who filed a lawsuit
16	Periprosthetic Joint Infection 156	16	alleging a surgical-site infection. Do you remember
17	118 Response Communication Plan,	17	that deposition?
18	3MBH00005744-62 162	18	A. I do, yes.
19	119 E-mail chain, 3MBH00107443-5 180	19	Q. Okay. And then the next time we met I was
20	120 E-mail chain, 3MBH00022366 182	20	representing a man named Timothy Johnson from Kansas
21	121 E-mail chain, 3MBH00126140-2 186	21	who had filed a similar lawsuit, and I think I told
22	122 Marketing Routing Form (MRF),	22	you at the time even though I'm the same person, I
23	3MBH00007500-9 188	23	might be asking you a lot of the same questions, there
24	123 Concept Prototype, 3MBH00022658 195	24	might be some overlap, consider me a new lawyer even
25	124 E-mail chain, 3MBH00542396-8 197	25	though I'm the same face.

<p style="text-align: right;">Page 65</p> <p>1       <b>A. Did I instruct the sales managers? I don't</b>  2       <b>think I instructed. I know it was one tool they</b>  3       <b>were -- were provided.</b>  4       Q. Did you have regular contact with  5       salespeople inside the company?  6       <b>A. Periodically. Not -- not frequently.</b>  7       Q. Okay. When Ms. Tullis says, "This issue is  8       everywhere," what did you take that to mean?  9       <b>A. I take it to mean that -- that it's -- she's</b>  10       <b>faced questions from more than one account in her</b>  11       <b>territory.</b>  12       Q. Okay. And in fact this one that she's  13       forwarded you talks about literature that seems to  14       support the idea that there is a -- a potential hazard  15       here. You were aware of such literature; correct?  16       MS. AHMANN: Object to form.  17       <b>A. I guess I'm not sure on the specific</b>  18       <b>literature she's referring to. It could have been</b>  19       <b>some of the early research that was done in</b>  20       <b>conjunction with Augustine Temperature Management or</b>  21       <b>it could have been his Blowing Air Is Risky campaign.</b>  22       Q. Okay. I want to talk to you a little bit  23       about some of that specific literature and -- and  24       your -- maybe your familiarity with it, how you've  25       ever worked with it, some questions like that. So I'd</p>	<p style="text-align: right;">Page 67</p> <p>1       MS. AHMANN: Let me take a look.  2       BY MR. BANKSTON:  3       Q. And Mr. Bergstrom, I'm just wondering,  4       have -- do you have memory of ever seeing this?  5       <b>A. I would have seen it, yes.</b>  6       Q. And do you remember ever being instructed to  7       draft talking points discrediting this study?  8       MS. AHMANN: Object to form.  9       <b>A. I don't remember being asked to develop</b>  10       <b>talking points specifically to discredit. We would</b>  11       <b>have developed talking points that the sales used --</b>  12       <b>our sales team could use in response to the article.</b>  13       Q. You would agree with me that, with regard to  14       literature that was critical of forced-air warming  15       from the standpoint of orthopedic infections, it was a  16       goal of the marketing department to discredit those  17       studies.  18       <b>A. I don't believe "discredit" is the right</b>  19       <b>word, no.</b>  20       Q. Okay.  21       <b>A. I believe the goal of the marketing</b>  22       <b>department was to review those papers, as we would any</b>  23       <b>paper, examine the strengths and weaknesses and then</b>  24       <b>provide the responses that our -- our sales force</b>  25       <b>could use.</b></p>
<p style="text-align: right;">Page 66</p> <p>1       like to go over some of those, kind of switch topics.  2       <b>A. Okay.</b>  3       Q. And I'm going to be handing you some  4       scientific studies, and we can go ahead and mark them  5       as exhibits. I'm -- I'm really only giving you for --  6       to refresh your --  7       You need to understand what study I'm  8       talking about.  9       <b>A. Okay.</b>  10       Q. And I want you to understand I'm not trying  11       to go at you with science or any of those sorts of  12       things. I just want to understand your familiarity.  13       And so the first one is -- that I'm going to hand  14       you --  15       MR. BANKSTON: Go ahead and mark that.  16       MS. AHMANN: And again, do you have any  17       copies of these?  18       MR. BANKSTON: I do not. I just have one.  19       I hadn't -- really didn't intend to mark these in as  20       an exhibit. If you'd like me to make copies of each  21       of these, I can.  22       (Exhibit 91 was marked for  23       identification.)  24       MR. BANKSTON: But I really only have one  25       question on it.</p>	<p style="text-align: right;">Page 68</p> <p>1       Q. Okay.  2       (Exhibit 92 was marked for  3       identification.)  4       BY MR. BANKSTON:  5       Q. Mr. Bergstrom, I've handed you Exhibit 92,  6       which is entitled "Forced-Air warming blowers: An  7       evaluation of filtration adequacy and airborne  8       contamination emissions in the operating room." Do  9       you recall ever seeing this study?  10       <b>A. I would have seen it and I would have read</b>  11       <b>through it, yes.</b>  12       Q. Were --  13       Did you ever recall being given instructions  14       to draft talking points on this study?  15       <b>A. Yes, we would have -- our team would have</b>  16       <b>drafted talking points.</b>  17       Q. And again, on this question again, was it a  18       goal of your department to discredit this study?  19       <b>A. It was to provide our sales reps with</b>  20       <b>responses on how to address concerns about the</b>  21       <b>misinformation.</b>  22       Q. Okay.  23       (Exhibit 93 was marked for  24       identification.)  25       BY MR. BANKSTON:</p>

<p style="text-align: right;">Page 69</p> <p>1 Q. Mr. Bergstrom, I've handed you another</p> <p>2 study, Exhibit 93. This study is entitled "Forced-Air</p> <p>3 warming and ultra-clean ventilation do not mix." Do</p> <p>4 you recall ever seeing this study?</p> <p>5 A. Yes, I would have seen this.</p> <p>6 Q. Do you recall being instructed to draft</p> <p>7 talking points to your customers about this study?</p> <p>8 A. Myself and the team would have drafted</p> <p>9 talking points again to -- to address the</p> <p>10 misinformation.</p> <p>11 Q. Okay. When you say "misinformation," those</p> <p>12 talking points would have been critical of this study.</p> <p>13 A. There are some that are critical in terms of</p> <p>14 the -- the way this study was set up and things that</p> <p>15 were -- were overlooked and not -- not included, yes.</p> <p>16 Q. Okay.</p> <p>17 (Exhibit 94 was marked for</p> <p>18 identification.)</p> <p>19 BY MR. BANKSTON:</p> <p>20 Q. Mr. Bergstrom, I've handed you Exhibit 94, a</p> <p>21 scientific study entitled "Do forced air patient-</p> <p>22 warming devices disrupt unidirectional downward</p> <p>23 airflow?" Do you recall ever seeing this study?</p> <p>24 A. Yes, I would have read this study.</p> <p>25 Q. Okay. Do you recall being instructed to</p>	<p style="text-align: right;">Page 71</p> <p>1 another scientific study entitled "Forced-air patient</p> <p>2 warming blankets disrupt unidirectional airflow."</p> <p>3 Were you provided a copy of this study at any time?</p> <p>4 A. I would have read this study, yes.</p> <p>5 Q. And likewise, you were also instructed to</p> <p>6 draft talking points critical of this study.</p> <p>7 A. I would have addressed talking points to</p> <p>8 address misinformation, yes.</p> <p>9 Q. Okay.</p> <p>10 (Exhibit 97 was marked for</p> <p>11 identification.)</p> <p>12 BY MR. BANKSTON:</p> <p>13 Q. I've now handed you Exhibit 97, a scientific</p> <p>14 study entitled "Patient Warming Excess Heat: The</p> <p>15 Effects of Orthopedic Operating Room Ventilation</p> <p>16 Performance." Do you recall ever receiving a copy of</p> <p>17 this study?</p> <p>18 A. Yes, I would have reviewed this study.</p> <p>19 Q. And you were instructed to draft talking</p> <p>20 points critical of this study; correct?</p> <p>21 A. I would have addressed talk -- or addressed</p> <p>22 talking points -- provided talking points to, again,</p> <p>23 address the misinformation that's included.</p> <p>24 (Exhibit 98 was marked for</p> <p>25 identification.)</p>
<p style="text-align: right;">Page 70</p> <p>1 draft talking points critical of this study?</p> <p>2 A. I likely would have directed talking points</p> <p>3 the sales reps could use to respond to concerns about</p> <p>4 the misinformation.</p> <p>5 Q. Okay.</p> <p>6 (Exhibit 95 was marked for</p> <p>7 identification.)</p> <p>8 BY MR. BANKSTON:</p> <p>9 Q. I have handed you what's been marked as</p> <p>10 Exhibit 95. This is a scientific study entitled</p> <p>11 "Effect of forced-air warming on the performance of</p> <p>12 operating theatre laminar flow ventilation." Do you</p> <p>13 recall receiving this study?</p> <p>14 A. Yes, I would have read it.</p> <p>15 Q. Were you also instructed on this study to</p> <p>16 draft talking points critical of the study?</p> <p>17 A. I would have drafted -- myself and the team</p> <p>18 would have drafted talking points again for the sales</p> <p>19 reps to use to address this study's shortcomings and</p> <p>20 misinformation provided.</p> <p>21 Q. Okay.</p> <p>22 (Exhibit 96 was marked for</p> <p>23 identification.)</p> <p>24 BY MR. BANKSTON:</p> <p>25 Q. Mr. Bergstrom, I've handed you Exhibit 96,</p>	<p style="text-align: right;">Page 72</p> <p>1 BY MR. BANKSTON:</p> <p>2 Q. Mr. Bergstrom, I've handed you Exhibit 98, a</p> <p>3 scientific study entitled "Forced-Air Warming Design:</p> <p>4 Evaluation of Intake Filtration, Internal Microbial</p> <p>5 Buildup, and Airborne-Contamination Emissions." Were</p> <p>6 you provided a copy of this study?</p> <p>7 A. I was provided a copy of this study --</p> <p>8 Q. And --</p> <p>9 A. -- and would have -- would have prep -- done</p> <p>10 talking points to address the misinformation.</p> <p>11 Q. I'm glad you're already anticipating here.</p> <p>12 Let's move on to our final one.</p> <p>13 (Exhibit 99 was marked for</p> <p>14 identification.)</p> <p>15 BY MR. BANKSTON:</p> <p>16 Q. I have now handed you Exhibit 99, a</p> <p>17 scientific study entitled "Infection control hazards</p> <p>18 associated with the use of forced-air warming in</p> <p>19 operating theatres." Were you provided a copy of this</p> <p>20 study?</p> <p>21 A. Yes, I would have reviewed this study.</p> <p>22 Q. Okay. And with this study, you would have</p> <p>23 also drafted talking points critical of the study.</p> <p>24 A. Yes, I believe we drafted talking points.</p> <p>25 Q. Okay. You now have in front of you --</p>

C O N F I D E N T I A L

<p style="text-align: right;">Page 93</p> <p>1 Q. Okay. What does that word mean to you, that</p> <p>2 phrase "burden of proof?"</p> <p>3 A. I believe it means that he needs to find</p> <p>4 evidence to support his accusations.</p> <p>5 Q. Okay. In other words --</p> <p>6 A. That doesn't mean we're going to disregard</p> <p>7 concerns that are raised by customers.</p> <p>8 Q. So would you agree with me that Arizant also</p> <p>9 has the burden of proof?</p> <p>10 A. And we've --</p> <p>11 Bair Hugger is -- is safe and effective.</p> <p>12 That's been proven by the literature over the years,</p> <p>13 the two hundred clinical studies -- two hundred</p> <p>14 million patients warmed.</p> <p>15 Q. We'll get back to that in a second.</p> <p>16 (Discussion off the stenographic record.)</p> <p>17 (Exhibit 106 was marked for</p> <p>18 identification.)</p> <p>19 BY MR. BANKSTON:</p> <p>20 Q. Mr. Bergstrom, I'm going start talking about</p> <p>21 the term "talking points." Can you tell us what that</p> <p>22 term means?</p> <p>23 A. Talking points are developed to help the</p> <p>24 audience, it could be a -- an executive team, it could</p> <p>25 be our sales reps, prepare them some key points that</p>	<p style="text-align: right;">Page 95</p> <p>1 A. I do.</p> <p>2 Q. Okay. Can you tell me why that might be</p> <p>3 relevant or important?</p> <p>4 MS. AHMANN: Object to the form.</p> <p>5 A. It seems like a question that is -- is being</p> <p>6 asked. I don't know that these are final talking</p> <p>7 points. Perhaps they were submitted for review and</p> <p>8 that's a question that they wanted to rectify.</p> <p>9 Q. So at this point there's no real indication</p> <p>10 that your competitor was a sponsor of this paper, but</p> <p>11 there's still some concern that they could have</p> <p>12 assisted in the drafting or creation of this study.</p> <p>13 Does that raise any concern to you?</p> <p>14 MS. AHMANN: Does what? Does what raise a</p> <p>15 concern?</p> <p>16 Q. The statement I just made, that they are not</p> <p>17 listed as a sponsor but could have potentially</p> <p>18 assisted in the preparation of the paper. Does that</p> <p>19 raise any concern to you?</p> <p>20 A. With me, not necessarily. But again, it's</p> <p>21 not my -- this isn't my -- clinical studies and what's</p> <p>22 involved in conducting a clinical study isn't -- isn't</p> <p>23 in my arena and scope.</p> <p>24 Q. Would you agree with me that what is being</p> <p>25 communicated here is that there may be questions about</p>
<p style="text-align: right;">Page 94</p> <p>1 they can share with customers.</p> <p>2 Q. Okay. Now the exhibit I have handed you now</p> <p>3 is a November 4th, 2008 set of talking points that</p> <p>4 came out of your department. I'm wondering if you</p> <p>5 remember this Kimberger study?</p> <p>6 A. I don't remember the study. I don't</p> <p>7 remember actually developing these talking points</p> <p>8 either.</p> <p>9 Q. Okay. Do you see where it has a discussion</p> <p>10 of authorship and sponsorship?</p> <p>11 A. Yes, I do.</p> <p>12 Q. Okay. And it says there in the middle of</p> <p>13 that paragraph, "ABAD was not listed as a sponsor..."</p> <p>14 Who is ABAD?</p> <p>15 A. That's Augustine Biomedical + Design.</p> <p>16 Q. Okay. That is your competitor.</p> <p>17 A. Dr. Augustine.</p> <p>18 Q. Dr. Augustine. Okay.</p> <p>19 And it states here that they were not a</p> <p>20 sponsor, they had donated some equipment, "...and the</p> <p>21 authors disclaim any involvement of the sponsors in</p> <p>22 the preparation of the paper..." The next sentence in</p> <p>23 bold says, "Certain portions of the paper read like</p> <p>24 ABAD talking points; could they have assisted as</p> <p>25 non-sponsors?" Do you see that?</p>	<p style="text-align: right;">Page 96</p> <p>1 the independence of the study's authors and the</p> <p>2 company that may or may not have been involved in it?</p> <p>3 A. I think the question as written is saying</p> <p>4 it's an area to look into further.</p> <p>5 Q. And why would you want to look into that?</p> <p>6 MS. AHMANN: Object to form.</p> <p>7 A. You know, these -- I'm --</p> <p>8 It's not my area of expertise. I don't</p> <p>9 know.</p> <p>10 Q. Well if the sponsor participated in the</p> <p>11 drafting of the paper, --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- could that raise questions about the</p> <p>14 independence of the scientists from the company?</p> <p>15 A. Potentially, yes.</p> <p>16 Q. Okay.</p> <p>17 THE REPORTER: We have to change disks. Off</p> <p>18 the record, please.</p> <p>19 (Recess taken.)</p> <p>20 BY MR. BANKSTON:</p> <p>21 Q. Mr. Bergstrom, before we went on break we</p> <p>22 had been talking about various studies, and I</p> <p>23 believe -- you know, you've told me numerous times it</p> <p>24 was never your intention to discredit this -- these</p> <p>25 studies, it's always been your intention to prevent</p>

24 (Pages 93 to 96)



<p style="text-align: right;">Page 169</p> <p>1 Q. Or -- or you didn't.</p> <p>2 A. I didn't, and I don't believe anyone in the</p> <p>3 company did.</p> <p>4 Q. Of these possible participants to</p> <p>5 objectively review the data, not a single one of the</p> <p>6 20-plus authors in that stack of studies who were</p> <p>7 involved in studying forced-air warming were</p> <p>8 considered to be invited to this group; correct?</p> <p>9 MS. AHMANN: Object to form.</p> <p>10 A. I honestly don't know if -- if others were</p> <p>11 considered and just not added. I don't see their</p> <p>12 names on the list, that's as specific as I can get.</p> <p>13 Q. Well, I mean y'all have zero interest in</p> <p>14 having any of those people involved; correct?</p> <p>15 A. Again, I --</p> <p>16 It's not my call as to who gets put in.</p> <p>17 It's to be determined by the clinical team.</p> <p>18 Q. If you could flip to page five for me, and</p> <p>19 under the "Positioning" section here, can you go up to</p> <p>20 the fifth bullet from the bottom.</p> <p>21 A. Okay.</p> <p>22 Q. Do you see where it says, "Research is weak</p> <p>23 and would not meet scrutiny of scientifically valid</p> <p>24 research," in parentheses "(why?)" Do you see that</p> <p>25 portion?</p>	<p style="text-align: right;">Page 171</p> <p>1 discredit research and researchers?</p> <p>2 A. Not to my knowledge, no.</p> <p>3 Q. Okay. Let's go to page six. Do you see the</p> <p>4 third initiative?</p> <p>5 A. Yes.</p> <p>6 Q. It says "Discredit ABAD research."</p> <p>7 A. Yup.</p> <p>8 Q. That's something that occurred; didn't it?</p> <p>9 A. Let me read through the --</p> <p>10 I don't know that that occurred, no.</p> <p>11 Q. Well most of these ideas here, those</p> <p>12 occurred; right?</p> <p>13 A. I don't know that most of those did occur.</p> <p>14 Q. Okay. But according to you, sitting here</p> <p>15 today, this initiative to discredit ABAD research,</p> <p>16 that was something that was never followed through on.</p> <p>17 A. That's correct, yes.</p> <p>18 Q. Now in the "Positioning" again we see "Cite</p> <p>19 why the ABAD research doesn't meet the standard</p> <p>20 scientific scrutiny," and then there's a question</p> <p>21 mark.</p> <p>22 It's true that there was some significant</p> <p>23 doubt about how the company could possibly position</p> <p>24 that research as not meeting scientific scrutiny;</p> <p>25 isn't that true?</p>
<p style="text-align: right;">Page 170</p> <p>1 A. Yes.</p> <p>2 Q. Okay. This here is talking about research</p> <p>3 that was unfavorable to forced-air warming; correct?</p> <p>4 A. That is my belief, yes.</p> <p>5 Q. And at that time the group had pretty much</p> <p>6 posed the question of why does this not meet</p> <p>7 scientifically valid research; correct?</p> <p>8 MS. AHMANN: Object to form.</p> <p>9 A. That could mean --</p> <p>10 I mean it could mean any number of different</p> <p>11 things. It could mean do we disclose the reasons why</p> <p>12 it's weak? Do we --</p> <p>13 You know, I can't speak as to the -- the</p> <p>14 why.</p> <p>15 Q. Did you ever ask?</p> <p>16 A. There may have been -- been clarification</p> <p>17 during the meeting. I don't -- don't have specific</p> <p>18 recollection.</p> <p>19 Q. Okay. So there was some -- some ideas of</p> <p>20 maybe communicating to the public why y'all didn't</p> <p>21 think the studies were good. This is back to that</p> <p>22 misinformation thing we were talking about earlier;</p> <p>23 correct? You want to correct the misinformation.</p> <p>24 A. That's the goal, yes.</p> <p>25 Q. Okay. Was not the goal to just set out to</p>	<p style="text-align: right;">Page 172</p> <p>1 MS. AHMANN: Object to form, lack of</p> <p>2 foundation.</p> <p>3 A. I don't believe that's accurate, no.</p> <p>4 Q. Okay. Well you know these studies were peer</p> <p>5 reviewed; correct?</p> <p>6 A. Yes.</p> <p>7 Q. And they were published by their editors;</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. And we saw from the Sessler study that when</p> <p>11 editors find significant problems in a paper, they</p> <p>12 reject the paper and make a change; correct?</p> <p>13 A. Yes.</p> <p>14 Q. And in this case these studies were accepted</p> <p>15 by their editors.</p> <p>16 A. We don't know that they were accepted on the</p> <p>17 first pass, --</p> <p>18 Q. Sure.</p> <p>19 A. -- we know they were eventually published.</p> <p>20 Q. Right. And so we have the final manuscript,</p> <p>21 and at least according to those editors, according to</p> <p>22 those peer reviewers, those studies did meet</p> <p>23 scientific scrutiny; correct?</p> <p>24 A. As did the -- the Olmstead and Sessler</p> <p>25 paper, yes.</p>